

REMARKS

A. Introduction

Claims 1-18 were presented for examination.

Claims 1-18 were rejected.

Claims 1, 7, 8, 11, 12 and 16 were amended to place the application in condition for allowance or in better form for appeal.

Claim 17 was canceled.

B. Claims 12-18 Rejected Under 35 U.S.C. § 112

Examiner rejected Claims 12-18 under 35 U.S.C. § 112, second paragraph, as being indefinite, contending that the platform is not supported in all directions as claimed. Examiner also rejected claims 13-18 based on their dependency. Applicant considered Examiner's rejection and amended Claim 12 for clarification. Applicant's amendment overcomes this indefinite rejection and respectfully requests Examiner to withdraw his rejections.

C. Claims 1-10 Rejected Under 35 U.S.C. § 103

Claims 1-6 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable under Annin in view of Kozak. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Annin and Kozak as applied to Claim 1 above, and further in view of Grimaldo. Examiner also rejected Claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Annin, Kozak and Grimaldo as applied to Claim 7 above, and further in view of Stallbaumer. Applicant considered Examiner's rejections and amended Claims 1, 7 and 8 in response thereto.

The two primary references—Annin and Kozak—cited by Examiner do not teach the limitations of amended Independent Claim 1. Specifically, neither reference teaches “a portable base having leveling devices on corners thereof,” as recited in amended Claim 1. Further,

neither reference discloses the limitation that the portable base has “outriggers for side support, said outriggers also having leveling devices thereon,” also recited in amended Independent Claim 1.

Further, Annin is directed to a portable elevating device whereas the device in Kozak is permanently mounted in the ground. It would not have been obvious to combine these two references together to come up with the present invention. Examiner contends that Applicant did not argue that the Kozak reference is not combinable with portable lift taught by Annin and as such Applicant tacitly agreed that Kozak is properly combined with a portable vehicle lift. This is not true. Applicant expressly indicated to Examiner that “[n]one of the above limitations in Independent Claim 1 are shown nor taught by Annin and/or Kozak. It would not have been obvious *to make the modifications as suggested by the Examiner.*” (Response to Office Action of March 24, 2006, Page 8) (emphasis added). Applicant respectfully reiterates this contention.

Further, there is no teaching, suggestion or motivation to combine Grimaldo with the primary reference of Annin or any other cited reference to come up with the claimed invention. Respectfully, Examiner’s resort to four (4) references—Annin, Kozak, Grimaldo, and Stallbaumer—in order to support a finding of obviousness in rejecting amended Independent Claim 1 cannot be maintained. There is no motivation or suggestion to combine this many references to come up with the claimed invention. Such an undertaking takes obviousness to the extreme. Applicant respectfully submits that Claims 1-10 are now in condition for allowance as his amendments of claims have overcome Examiner’s rejections thereto. Examiner is respectfully requested to withdraw his rejections and allow these claims.

D. Claims 11-18 Rejected Under 35 U.S.C. § 103(a)

Examiner rejected Claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over

Grimaldo in view of Kozak. Examiner rejected Claims 16 and 17 as being unpatentable over Grimaldo and Kozak as applied to Claim 12 above, and further in view of Stallbaumer. Examiner rejected Claims 14, 15, and 18 as being unpatentable over Grimaldo and Kozak as applied to Claim 13 above and further in view of Annin. Applicant considered Examiner's rejections and amended and canceled claims accordingly. Claims 11, 12, and 16 were amended. Claim 17 was canceled.

Examiner is correct that Grimaldo does not teach the limitation of "rotating said display platform and said vehicle," as recited in amended Independent Claim 11. Further, the device in Kozak is permanently mounted on the ground. Therefore, Kozak fails to teach the limitation of "moving a portable vehicle display to a desired location," as recited in amended Independent Claim 11. Both references fail to teach the limitation of "reversing the proceeding three steps to remove said vehicle," as recited in amended Independent Claim 11. Further, both references fail to teach the limitations of "supporting said support structure with outriggers on sides of said portable vehicle display for lateral support," and "said outriggers are leveled by leveling jacks," as recited in amended Independent Claim 11.

In order to support his obviousness rejection of amended Independent Claim 11, Examiner needs to bring in a third, irrelevant reference directed to a boom crane which is non-analogous art to the present invention. However, there is no suggestion or motivation in Staulbaumer to modify or combine with reference teachings to come up with the present invention. Without a suggestion or motivation, it would not be obvious to combine these references in the manner suggested by the Examiner to come up with the present invention. To attempt to do so takes obviousness beyond its realistic bounds. Applicant submits that he has overcome all obviousness rejections against amended Independent Claim 11 and respectfully

submits that dependent claims 12-16 and 18 are nonobvious as well. M.P.E.P. § 2143.03. Examiner is respectfully requested to withdraw his rejection of Claims 11-16 and 18.

The four references—Annin, Kozak, Grimaldo, and Stallbaumer—which are relied upon by Examiner are in no way combinable to produce the present invention. This is because the mere fact that cited references can be combined does not make the combination obvious unless the art also contains something to suggest the desirability of the combination. *In re Imperato*, 486 F.2d 585, 587 (C.C.P.A. 1973); *In re Bergel*, 48 C.C.P.A. 1102, 292 F.2d 955 (1961). In this case, there is no positive and direct suggestion in any of the references to combine together to make this specific combination as described in the present invention and claimed in the amended claims. Examiner is respectfully invited to indicate where, in each reference, a positive suggestion exists to combine with the other cited references.

Any amendment timely filed after a final rejection should be immediately considered to determine whether it places the application in condition for allowance or in better form for appeal. M.P.E.P. § 714.13. Examiner is respectfully requested to enter Applicant's amendments as they narrow the issues for appeal. M.P.E.P. § 714.12; 37 C.F.R. 1.116(b). Applicant further submits that the amendments herein place the application in condition for allowance and respectfully request Examiner withdraw his rejections and objections thereto.

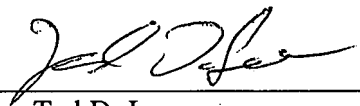
CONCLUSION

In view of the above, Applicant submits that Claims 1-16 and 18 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections. Allowance of Claims 1-16 and 18 at an early date is solicited. If Examiner still finds impediments to allow Claims 1-16 and 18 and, in the opinion of the Examiner, a telephone conference between the undersigned and the Examiner would help remove such impediments,

the undersigned respectfully requests such a telephone conference.

Respectfully submitted,

GUNN & LEE, P.C.
700 North St. Mary's Street, Suite 1500
San Antonio, TX 78205-3596
(210) 886-9500
(210) 886-9883 (Fax)

By: 
Ted D. Lee
Regis. No. 25,819